



सत्यमेव जयते

Government of India

Controller General of Patents, Designs & Trade Marks

Ministry of Commerce & Industry

Department of Industrial Policy and Promotion

E-Request for Proposals (RFP)

for

Providing access to database containing patent literature along with
a search platform for searching the said database



**INTELLECTUAL
PROPERTY INDIA**

Controller General of Patents, Designs & Trade Marks

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1. Disclaimer

- (i) This Request for Proposal (RFP) is not an offer by the Office of the Controller General of Patents, Designs and Trade Marks but an invitation to receive offers from interested parties. The purpose of this RFP is to provide the necessary information to such interested parties that may be useful to them in formulating their proposals in response to this RFP.
- (ii) No contractual obligation whatsoever shall arise from the RFP process unless and until a formal contract is signed and executed between the Office of the Controller General of Patents, Designs and Trade Marks and the selected party.
- (iii) Office of the Controller General of Patents, Designs and Trade Marks reserves the right to modify or even not to proceed with the project.

2. Instructions to Bidders

(a) General Instructions

- (i) This RFP is not an offer by Controller General of Patents, Designs and Trademarks but an invitation to receive proposals only from short listed bidders in respect of the above-mentioned project. The RFP does not commit Controller General of Patents, Designs and Trademarks to enter into a binding agreement in respect of the project with the short listed bidders.
- (ii) RFP can be downloaded from the following websites:
 - <http://eprocure.gov.in>
 - <http://www.ipindia.gov.in>
- (iii) The bidders are expected to examine all instructions, terms, project requirements and other information in the RFP documents. Failure to furnish all information required as mentioned in the RFP documents or submission of a proposal not substantially responsive to the RFP documents in every respect will be at the bidder's risk and may result in rejection of the proposal and forfeiture of the bid security.
- (iv) In case of need of any clarification, query may be forwarded to the email: tenderenquiry.ipo@gov.in with subject of email as "Query w.r.t. RFP for Supply of articles in electronic form"
- (v) CGPDTM's decision with regard to the selection of bidders through this RFP shall be final and CGPDTM reserves the right to reject any or all the bids without assigning any reason.

(b) RFP document:

The RFP document may be downloaded free of cost from <http://eprocure.gov.in>.

(c) Earnest Money Deposit (EMD)

Bidders shall submit, along with their Bids, EMD of Rs. 2 lacs, in the form of an Account Payee Demand Draft issued by any bank in favour of “Controller of Patents”, payable at Delhi. The EMD, for the amount mentioned above, of successful bidder would be returned upon submission of Performance Bank Guarantee by the bidder. The EMD of all unsuccessful bidders will be returned after the award of the contract to the successful bidder.

The EMD is exempted for bidders who are Micro and Small Enterprises (MSEs) as defined in MSE Procurement Policy issued by Department of Micro, Small and Medium Enterprises (MSME) or are registered with the Central Purchase Organisation or the concerned Ministry or Department. Bidder is required to submit required documentary proof for claiming such exemption.

The EMD amount is interest free and will be refundable to the unsuccessful bidders without any accrued interest on it.

The EMD document shall reach to this office in physical form in a sealed envelope clearly marking “EMD in favour of RFP for **“Providing access to database containing patent literature along with a search platform for searching the said database”** on or before bid submission closing date & time in the drop box of this office or through registered post/speed post. The envelope should be addressed to:

**The Administrative Officer,
The Patent Office,
Boudhik Sampada Bhawan,
Sector 14, Plot 32, Dwarka,
New Delhi-110075**

Bidder should scan and upload EMD document in the Pre-Qualification envelop on the e-tendering platform. The bid, however, shall be deemed to be invalid in the event of non-receipt of physical copy on or before Bid submission closing date & time.

The EMD may be forfeited:

- a) If a bidder withdraws its bid during the period of bid validity.
- b) In case of a successful bidder, if the bidder fails to sign the contract in accordance with this RFP.

3. Definitions & abbreviations

- (i) 'Act' means the Patents Act, 1970.
- (ii) 'Applicant' means a domestic or foreign or multinational Firm / Company / Organization / making a proposal in response to this RFP.
- (iii) 'CGPDTM' means the Controller General of Patents, Designs and Trade Marks.
- (iv) 'CPP' means Central Procurement Portal

- (v) 'IPO' means Indian Patent Office including branch offices. CGPDTM and IPO shall be used interchangeably in this document.
- (vi) 'IPEA' means the International Preliminary Examining Authority.
- (vii) 'ISA' means the International Searching Authority.
- (viii) 'ISP' means an Integrated Search Platform.
- (ix) 'LoA' means Letter of Acceptance.
- (x) 'NPL' means Non Patent Literature.
- (xi) 'Patent Family' means a group of patents related by priority numbers claimed. These patents are related, and often protect the same invention in different countries.
- (xii) 'PCT' means the Patent Cooperation Treaty.
- (xiii) 'PL' means Patent Literature.
- (xiv) 'Patent Number' means a reference number identifying a patent.
- (xv) 'Priority Number' means the application number from which priority rights are claimed.
- (xvi) 'Proposal' means the proposal submitted by an Applicant in response to this RFP.
- (xvii) 'Publication Number' is the number accorded by a patenting authority to the publication of a patent document. Publications can include patent applications, granted patents, amendments, search reports, or other type of published documents concerning the patent, depending on laws and regulations applicable to a given patenting authority. The Publication Number for the various publications can use the same number with a Kind code appended, or an entirely different number, depending on the patenting authority.
- (xviii) 'RFP' means the present Request for Proposal.
- (xix) 'SLA' means Service Level Agreement.
- (xx) 'Vendor' means the applicant/Bidder who has been selected by the CGPDTM in response to this RFP.

4. Request for Proposal (RFP)

The office of the Controller General of Patents, Designs and Trade Marks invites interested eligible parties to submit proposals for:

Providing access to database containing patent literature along with a search platform for searching the said database

Note: Access includes making the aforementioned items accessible via the Internet through the web interface of the vendor. It is clarified that the Office does not intend to locally host the data within its own servers.

5. Key details

(a) Name of the Purchaser:

President of India through the "Controller General of Patents, Designs and Trade Marks".

(b) Address for downloading the RFP document:

The RFP document containing the details regarding the scope of work, prescribed proforma and qualification criteria can be downloaded from <http://www.ipindia.nic.in> or <http://eprocure.gov.in>,

(c) Language of proposals:

The proposals should be submitted in English.

(d) Schedule of Activities

S.No.	Event	Date
1	Availability of RFP document at http://eprocure.gov.in , www.ipindia.nic.in	19.01.2018
2	Last date for receiving queries	29.01.2018
3	Date on which clarifications will be issued by CGPDTM	03.02.2018
4	Issuance of addendum to RFP document, if any	03.02.2018
5	Last date for submission of proposals on eProcurement portal	09.02.2018, 05:00 p.m.
6	Opening of Eligibility Technical bids and Evaluation on eligibility criteria and Technical Proposal	12.02.2018, 11:00 a.m.
7	Opening of financial bid	after evaluation on eligibility criteria and Technical Proposal
8	Award of contract to successful bidder	after evaluation of technical and financial proposal
9	Services to be started, that is, made available to IPO	Within 07 days from the date of award of contract.
10	Training to examiners at all locations	Training will be completed within 1 month from the award of contract

Note:

1. Proposals are required to be submitted only through electronic bid on e-procurement portal (<http://eprocure.gov.in>)
2. No bids shall be accepted in hard copy or in any other form.

6. Background

The Office of the Controller General of Patents, Designs & Trade Marks (CGPDTM) is an office functioning under the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India. The CGPDTM is responsible for the administration of the Patents Act, 1970. Consequent to India's accession to the World Trade Organization in 1995, the intellectual property laws were amended/re-enacted in order to meet the obligations under the TRIPS Agreement. The Patents Act 1970 was amended in 1999, 2002 and 2005. India also became the Member of Patent Cooperation Treaty (PCT) and the Paris Convention for the protection of Industrial Property in 1998. In 2007 India acquired the status of International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT and is now also discharging functions as an ISA / IPEA.

For assessing the patentability of a patent application, an Examiner conducts a search in a wide variety of databases. It is desirable to have a search engine, which has the capability to search across a spectrum of databases, from a single interface, without the necessity of logging into different web-based databases.

(a) National Applications:

The applications for patents filed under the Patents Act, 1970, seeking protection in India, are examined by the IPO in accordance with the Act to ascertain as to whether the claimed subject matter constitutes an invention under the Act.

(b) PCT International Applications received as ISA and IPEA:

IPO has established itself as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty in 2013 and accordingly, the IPO is required to equip itself with adequate search tools with coverage conforming to at least the PCT minimum documentation. Prior art searches are vital for ascertaining the novelty and inventive step of an invention.

Conducting a comprehensive search is an integral part of the examination process for National as well as International Applications. Conducting such searches is resource intensive and requires extensive data sets of PL as well as NPL databases. Under this process, access to one such patent database is sought to be gained.

7. Objective of the RFP

This RFP is being published for the purpose of securing access to a patent database containing at least the records mentioned in the PCT Minimum Documentation prescribed by Rule 34.1 of Regulations under the PCT along with a search platform with the related interface, that is capable of conducting a search and retrieving information from the Patent database being

supplied.

8. Documents under the PCT Minimum documentation

Rule 34.1 of Regulations under the PCT prescribes the PCT Minimum Documentation. It may be noted that the official language of India, while acting as an ISA/IPEA, is English. Rule 34.1(e) of Regulations under the PCT shall be interpreted accordingly. The list of patent documents under the PCT Minimum Documentation can be accessed from the following link:

www.wipo.int/export/sites/www/standards/en/pdf/04-01-01.pdf

9. Scope of the work

1. Provide access to database containing patent literature along with a search platform for searching the said database. The said patent database must contain at least the records mentioned in the PCT Minimum Documentation prescribed by Rule 34.1 of Regulations under the PCT.
2. Provide the IPO user with a simplified, consistent and efficient method for retrieving relevant information from multiple databases for enabling the IPO to conduct quality prior art searches. The search platform should:
 - i. Be able to conduct full-text/abstract search over the subscribed Patent literature.
 - ii. Be able to provide more value addition than any open source or free search engine.
 - iii. The Applicant shall be responsible for multi-site access for multiple users at Patent offices located at Mumbai, Chennai, Delhi and Kolkata as well as to RGNIIIPM at Nagpur. Total numbers of IPO users are expected to be approximately 1100 which might increase or decrease.
 - iv. Seamless access to the sites located in different places shall be Internet Protocol (IP) enabled. An access through login and password shall also be provided as requested.
 - v. The selected vendor should also provide training/workshop to the IPO users within one month from the date of award of contract to enable them to conduct search on the ISP at the respective IPO locations.
 - vi. The vendor will also conduct advanced training once in 6 months in order to address the issues faced by the IPO users.
 - vii. The vendor shall also provide necessary training documents, user manual and reference guide to the IPO users.
 - viii. The vendor shall also provide a dedicated customer support for the IPO users to resolve their queries and to incorporate their feedback and suggestions. A monthly report is required to be submitted to IPO regarding the queries and their resolution by the selected vendor.

- ix. The vendor will also take the feedback of the IPO users constructively in respect of changes required to be made to the system of the vendor.

10. PL database

(a) Important

- (i) Successful Applicant will be required to provide a copyright compliant patent database and should comply with rule 34 of the Regulations under the PCT.
- (ii) The data shall be provided in such a manner so as to make searching practical and efficient.
- (iii) Family search should be enabled. It may be noted that the CGPDTM does not have a preference for any kind of family database. Accordingly, any database that allows for searching by family, based on its suitability for the IPO which will be judged by a committee, may be considered.
- (iv) The documents that are not available in English language should also be searched and should be available in the database as documents translated from another language into English language.
- (v) The PL database should contain full text, bibliographic information, abstract, patent drawings, provision for accessing file wrappers of patent applications as well as granted patents, reassignment information of the granted and pending patent applications with different patent authorities.
- (vi) Publication numbers should be standardized.
- (vii) Application & priority numbers should be standardized.
- (viii) Classification systems should be standardized.
- (ix) IPC, ECLA and CPC (Cooperative Patent Classification from the date of coming into effect) classifications should have "live" schemes that are retroactively updated in case of amendments.
- (x) Dates should be standardized and data should be searchable date-wise.
- (xi) Filing details with clear labels explaining the evolution of the application should be available.
- (xii) Prior art citations should convey the relevancy, for instance, whether the cited document was of X or Y category under the PCT.

11. Eligibility Criteria

- (a) Proposals are invited only from Applicants who own the PL data which can be searched through their search platform in accordance with this RFP through legal means.
- (b) The Applicant should be able to provide data which must at least contain the PL data

listed in the PCT minimum documentation under Rule 34.1 of Regulations under the PCT for majority of countries.

- (c) Foreign bidders will not be able to participate unless they have a representative in India. Such foreign bidders should disclose the name and address of agents and representatives in India. Further, Indian Bidders are required to disclose their foreign principals or associates, if any.
- (d) In case of bidding by partnership or consortium, the partnership/consortium agreement should mandatorily be submitted by the Applicant. Also, under all the circumstances, in such a case, the lead partner should be the one who owns the data. Also, liability of all the parties involved in such a case shall be joint and several.
- (e) The applicant should have yearly average turnover of at least Rs. 50 Lacs during the preceding three years. Audited statements should be submitted as proof.
- (f) The condition of prior turnover and prior experience may be relaxed for Startups (as defined by Department of Industrial Policy and Promotion) subject to meeting of quality & technical specifications. Relevant documentary proof should be submitted by the bidder for claiming such relaxation.
- (g) The applicant should be in a position to start the services specified in the work order within 7 days from the date of award of contract.

Important Notice:- Proposals of Applicants which do not fulfill the aforementioned eligibility criteria will not be considered and summarily rejected.

12. Validity of Proposal

The offer must remain valid for a period of 120 days from the date of opening of the Financial Proposal.

13. Proposal

- (a) Bids against this RFP shall be received only electronically through the e-Procurement Portal (www.eprocure.gov.in). No bids shall be accepted in hard copy or in any other form.
- (b) For submission of proposal by e-bids, bidders are required to get themselves registered with eprocure.gov.in website using Digital Signature Certificate (DSC) essentially having signing certificate.
- (c) The e-bid contains three envelopes, namely, "Eligibility criteria" (containing Annexure-I), "Technical Proposal" (containing Annexures-II, IIA, IIB, IIC, IID, IIE, IIF) and "Financial Proposal (Annexure-III)" - prepared in Central Procurement Portal (CPP) excel format.
- (d) The E-envelope 1 must therefore contains the following:

- (i) Cover letter from the person authorized to sign the contract.
 - (ii) Scanned copy of Demand draft in favour of 'Controller of Patents' and payable at Delhi for Rs. 2,00,000/- as earnest money deposit (EMD).
 - (iii) A signed and sealed envelope containing Annexure-I (eligibility criteria).
 - (iv) Documents in support of Annexure I
- (e) E-envelope 2 should contain:
A signed and sealed envelope containing Annexures-II, IIA, IIB, IIC, IID, IIE, IIF (Technical Proposal)
- (f) E-envelope 3 should contain:
A signed and sealed envelope containing Annexure III (Financial Proposal) prepared in CPP excel format.
- (g) The result will be dependent on the technical as well as financial proposal, subject to fulfillment of eligibility criteria.

Note:

- 1) Proposals shall be submitted in English language in accordance with the requirements specified in this RFP.
- 2) The successful Applicant will be required to enter into a Contract (based on the content of this RFP) and will also be required to submit a Non-Disclosure agreement and Data Security Certificate.
- 3) It is mandatory to include in the proposal a Cover Letter, signed by the person who is authorized to sign the contract in case of award of contract. The cover letter should clearly state that the applicant accepts in full and without restriction the requirements of the specifications mentioned in this document (RFP).
- 4) It is up to the applicant to present in the technical details of his organization and methodology with which he will fulfill (comply in full with) all the technical requirements outlined in this document.
- 5) The financial proposal should be submitted for a period of 3 years and no hike/increase/escalation in the charges stated will be allowed.
- 6) Financial proposals should reflect the complete cost. In future, payment exceeding this sum will not be allowed.
- 7) Applicants must ensure that the proposals are signed by an authorized representative and that all the documents are legible.

14. Evaluation of Proposals

(a) Technical Evaluation

The technical evaluation will be done only for the Proposals submitted by the Applicants fulfilling the eligibility criteria (Annexure I). The capability and eligibility of the Applicant shall be

determined based on the information provided by the Applicant. The Applicant may be required to give a presentation / demonstration for assisting in technical evaluation. CGPDTM reserves the right to select the services of one vendor, more than one vendor, or not to choose the services of any vendor at all. The criteria adopted for technical evaluation shall be as follows:

S.No	Criteria	Evaluation unit	Maximum percentage marks that can be	Documents to be submitted
1)	PCT Minimum Documentation	Coverage of PCT Minimum Documentation	20-marks (To be evaluated by a Technical Committee)	Annexure IIA
2)	Additional coverage of data	Coverage of documentation other than PCT minimum Documentation	20 marks (To be evaluated by a Technical Committee)	Annexure IIB
3)	Non-English countries	Translation available for how many countries; translation not available for how many countries	15 marks (To be evaluated by a Technical Committee)	Annexure IIC
4)	Full-text	Coverage for how many countries	20 marks (To be evaluated by a Technical Committee)	Annexure IID
5)	MIS module	Features available for the administrators	10 marks (To be evaluated by a Technical Committee)	Annexure IIE
6)	IPC, CPC, ECLA, FI/F-terms	Facility of searching using these classifications	15 marks (To be evaluated by a Technical Committee)	Annexure IIE

Note: Technical score of the proposal shall be termed as ST. The minimum qualifying ST in technical evaluation shall be 60. The Proposals not securing a minimum ST of 60 shall not be considered for financial evaluation.

(b) Financial Evaluation

- (i) The Financial Proposal shall take into account all expenses, tax liabilities and all associated costs, whatsoever. For the avoidance of doubt, it is clarified that all taxes shall be deemed to be included in the Financial Proposal. The total cost should be stated clearly.
- (ii) The Financial Proposal shall be submitted in INR only.

- (iii) For the purpose of currency conversion, the Reserve Bank of India's Reference Rate published by the Reserve Bank of India for the day shall be considered as the applicable currency conversion rate. The financial offer submitted should be valid for a period of at least 120 days from the date of opening of the Financial Proposal.
- (iv) Payments shall also be subject to deduction of taxes at source as per Applicable Laws.
- (v) The total amount indicated in the Financial Proposal shall be unconditional, unequivocal, final and binding. If any assumption or condition is indicated in the Financial Proposal, it shall be considered as non-responsive and the Proposal may be rejected.
- (vi) The financial evaluation shall be based purely on the total price charged on IPO.
- (vii) The Financial Proposals will be evaluated on a relative basis.
 - a. The lowest Financial Proposal (F_{Min}) shall be assigned 100 points and all other Proposals shall be assigned proportionate scores.
 - b. The financial scores of the other Financial Proposals (SF) will be calculated as:

$$SF = 100 \times \frac{FP_{Min}}{FP}$$
 Where SF = Financial score of Proposal under consideration,
 FP_{Min} = Price of lowest Financial Proposal and
 FP = Price of the Proposal under consideration

(c) Calculation of final combined score:

- I. The Technical Proposal will be given a weightage of 70% and Financial Proposal will be given a weightage of 30%.
 The final combined score (S) will be calculated as:

$$S = ST \times 0.7 + SF \times 0.3$$
 Where, S = Final combined score,
 ST = Technical score and
 SF = Financial score
- II. The Applicant achieving the highest final combined score shall be awarded the work.
- III. The rate once quoted by a vendor cannot be changed later on during the contract period.
- IV. Without prejudice to the above, in order to assist in the evaluation of proposals, CGPDTM may, at its sole discretion, ask any Applicant for any clarification on its proposal which shall be submitted on the same day or at the most the next day, as per the time provided during the evaluation. Any request for clarification and all clarifications shall be in writing.
- V. If an Applicant does not provide clarifications requested within the date and time set in the request for clarification issued by the office of CGPDTM, its Proposal is liable to be rejected.

15. Withdrawal of Proposal

- (i) No modification or substitution of the submitted proposal shall be allowed.
- (ii) An Applicant may withdraw its proposal after submission, provided that written notice of the withdrawal is received by CGPDTM before the due date for submission of proposal. In case an Applicant wants to resubmit his proposal, he shall submit a fresh proposal following all the applicable conditions before the due date.
- (iii) The withdrawal notice shall be prepared in Original only and each page of the notice shall be signed and stamped by authorized signatories. The copy of the notice shall be duly marked "WITHDRAWAL".

16. Right to Accept/reject any or all proposals

CGPDTM reserves the right to accept or reject any or all proposals and to annul the qualification process at any time without any liability or any obligation for such acceptance, rejection or annulment, without assigning any reasons.

17. IPRs and other rights of CGPDTM and the Applicant

- (i) The technical work done by the IPO pursuant to this process in order to access or use the database provided by the successful bidder shall be the exclusive intellectual property of the CGPDTM.
- (ii) The CGPDTM will comply with all the copyright related issues in this regard.
- (iii) The Applicant shall put forward all the IPR issues related to the PL database, whatsoever. Unless the Applicant discloses all the related issues, it shall not be the responsibility of CGPDTM to comply with any such issue and all liability in such a case shall lie with the Applicant.
- (iv) The Applicant shall undertake to treat all the information of IPO received by the Applicant during the course of performance of the contract, pursuant to grant of work, as confidential. Any breach of confidentiality shall be subject to applicable laws.

18. Rights of Applicant in software

The Applicant shall have no right to use any software developed by IPO for any purpose whatsoever.

19. Problem notification & resolution time matrix

Time for resolution by the Applicant is defined as the time taken to resolve the defect, starting from the time of logging the complaint and within the time specified in table below.

S.No.	Defect Categories	Definition / Meaning	Time to First Response by Applicant	Time to resolution by Applicant
1.	Blocker	All users are unable to use all or most of PL functionality	Within 1 hour	Within 6 Hours
2.	Major	A small number of users are not able to use all of PL functionality. Most users are not able to use some PL functionality as	Within 4 hours	Within 1 Day
3.	Normal	Some users are not able to use some functionality as intended for PL data	Within 1 day	Within 1 days
4.	Minor	A defect not affecting core functionality, or limited to specific data and can be worked around	Within 1 day	Within 3 days

20. Payment

- (i) Payment shall be made to the vendor in INR only. Bidder may refer the reference rates of the foreign currency of the Reserve Bank of India. However, the rate once quoted shall be fixed and cannot be changed later on during the contract period.
- (ii) The successful Applicant shall raise an invoice quarterly, after the end of the quarter.
- (iii) The General Financial Regulations of the Government of India preclude advance payments and payments by letter of credit. Such provisions in a Proposal will be prejudicial to its evaluation by the CGPDTM. The normal terms of payment are 45 days after satisfactory delivery of goods/services concerned. The payments will be made after evaluation by a technical committee and acceptance thereof by the CGPDTM.

21. Termination rights

- (i) CGPDTM shall have the right to terminate the contract if the Applicant fails to

fulfill any of its material obligations hereunder and, upon notice by the CGPDTM, does not correct such failure within a period of two weeks from that notice.

- (ii) The right to any liquidated damages shall remain unaffected by such termination.
- (iii) In the case of termination of this contract, the Applicant shall agree to service and maintain that part of the work that was performed under the Contract immediately before the termination.

22. Reporting Procedures

The successful Applicant shall provide monthly usage reports, in the first week of every month. Any other report that may reasonably be required by CGPDTM, shall also be provided to CGPDTM.

23. Corrupt or Fraudulent Practices

CGPDTM requires the Applicants to observe the highest standard of ethics. In pursuance of this policy, CGPDTM:

- (i) defines, for the purpose of these provisions, certain important terms as follows:
 - a. "corrupt practice" means the offering, giving, receiving or soliciting of anything of value to influence the action of a public servant; and
 - b. "fraudulent practice" means a misrepresentation of facts in order to influence the decision to award the consultancy contract to the detriment of the Government of India and PPP and targeted stake holders and includes collusive practice among Applicants/Bidders (prior to or after the submission of Proposals) designed to establish bid prices at artificial non-competitive levels and to Government of India and PPP and targeted stake holders of the benefits of free and open competition.
- (ii) CGPDTM will reject a Proposal for award work if it is determined that the Applicant recommended for award has engaged in corrupt or fraudulent practices in competing for the contract in question.
- (iii) CGPDTM will declare an Applicant/Bidder ineligible, either indefinitely or for a stated period of time, to be awarded a contract / contracts, if at any time it is determined that the Applicant/Bidder has engaged in corrupt or fraudulent practices in competing for, or in executing the consultancy contract.

24. Conflict of interest

The selected Applicants shall not engage in activities that conflict with the interest of the office of the Controller General of Patents, Designs & Trade Marks under the contract and nor would they engage in any assignment that would be in conflict of interest with their current obligations

to the same or other clients. The selected Applicants, that have a business or family relationship with such members of staff of the office of the Controller General of Patents, Designs & Trade Marks who are directly or indirectly involved in the project will not be awarded the contract. It shall be the responsibility of the Applicant to disclose any such fact relating to family relationship. Non-disclosure shall result in rejection of Proposal and cancellation of contact, if awarded.

25. Confidentiality

Any confidential or copyrighted material of the CGPDTM or any part thereof, and all copies thereof must be returned to the CGPDTM upon request. Information may be communicated to and received by bidders on the condition that no part thereof or any information concerning it may be copied, exhibited or furnished to others without the prior written consent of the CGPDTM except that Applicants may exhibit the specifications to prospective sub-contractors for the sole purpose of obtaining offers from them. Notwithstanding the other provisions of the Request for Proposal, Applicants will be bound by the contents of this paragraph whether or not they submit a Proposal or responds in any other way to this Request for Proposal.

26. General Terms of Conditions of Work

- (i) At the commencement of the contract, the Applicant will be required to maintain the same team/individuals till the completion of the contract, as far as possible.
- (ii) No other charges shall be incurred by the CGPDTM other than those specified in the Proposal.
- (iii) Payment shall be released subject to acceptance of deliverables & certification of milestones as per the deliverables.
- (iv) The decision of CGPDTM in selecting the Applicant will be final and no further queries will be entertained in this regard.
- (v) The CGPDTM will have a contract with the successful Applicant for 3 year, subject to the annual review of the quality of services provided by the Applicant.

27. Performance Security

The Applicant who has been awarded the contract (successful bidder) shall furnish an interest free performance security to the tune of 5% of the annual value of the contract in the form of fixed deposit receipt or in the form of a bank guarantee, in favour of the Controller of Patents payable **at Delhi**. It would be the duty of the Applicant to ensure that Performance Security should remain valid for a period of sixty days beyond the date of completion of the contract. Performance bank guarantee shall be forfeited and credited to the Government account in the event of breach of contractual obligations by the Applicant.

28. Right to Accept/Reject any or all proposals

CGPDTM reserves the right to accept or reject any or all proposals and to annul the qualification process at any time without any liability or any obligation for such acceptance, rejection or annulment, without assigning any reasons.

29. Due diligence by bidders

Bidders and their authorized agents are expected to examine all the relevant material in the tender document and terms and conditions. Failure to do so will be at the bidder's own risk.

30. No commitment on part of CGPDTM

This RFP does not commit the CGPDTM to award a contract or to pay any costs incurred in the preparations or submission of Proposals, or costs incurred in making necessary studies for the preparation thereof or to procure or contract for services or supplies. The CGPDTM reserves the right to reject any or all Proposals received in response to this RFP and to negotiate with any of the Applicants or other firms in any manner deemed to be in the best interest of the CGPDTM. The CGPDTM reserves the right to negotiate and award only a portion of the requirements; to negotiate and award separate or multiple contracts for the elements covered by this RFP in any combination it may deem appropriate, at its sole discretion to add new considerations, information or requirements at any stage of the procurement process, including during negotiations with Applicants; and reject Proposal of any Applicant that has previously failed to perform properly or in a timely manner contracts of a similar nature, or of an Applicant that, in the opinion of the CGPDTM, is not in a position or is not sufficiently qualified to perform the contract.

This RFP contains no contractual Proposal of any kind. Any Proposal submitted will be regarded as a Proposal by the Applicant and not as an acceptance by the Applicant of any Proposal by the CGPDTM. No contractual relationship will exist except pursuant to a written contract document signed by the CGPDTM and by the successful Applicant.

31. Jurisdiction

The disputes, if any, arising between the successful Applicant and CGPDTM shall be resolved amicably, failing which they shall be referred to a Sole Arbitrator appointed by the CGPDTM as per the Arbitration and Conciliation Act, 1996. Also, disputes shall be subject to the jurisdiction of courts at Delhi.

ELIGIBILITY CRITERIA

1. The Applicant owns PL data which can be searched through their search platform in accordance with this RFP through legal means

Yes/No

2. The Applicant had a yearly average turnover of at least Rs.50 Lacs during the preceding three years.

Yes/No

3. The Applicant is in a position to start the services specified in the work order within 7 days from the date of award of contract

Yes/No

4. Earnest money deposit of Rs. 2 lacs, in the form of an Account Payee Demand Draft issued by any bank in favour of "Controller of Patents", payable at Delhi has been received the Office in physical form in a sealed envelope on or before bid submission closing date & time in the drop box of this office or through registered post/speed post.

Yes/No/Exempted

It is certified that the information furnished above is true and correct to the best of my knowledge. In case, it is found that the information submitted is wrong or there has been a misrepresentation of facts, I have no objection for my Proposal to be rejected, or if the Contract has been signed, the Contract to be terminated.

Signature of the Applicant/Authorized representative

TECHNICAL PROPOSAL (Details of the Applicant)

1.	Name of the Applicant (Attach certificate of registration)	
2.	Name of Proprietor / Director	
3.	Complete address of Registered Office: Telephone Number: FAX No.: E mail:	
4.	Complete address of Branch Offices if any: Telephone Number: FAX No.: E mail:	
5.	Details of Banker (Please attach certified copy of bank statement of last three years)	
6.	PAN/GIR No. (Attach an attested copy)	
7.	GST Registration No. (Attach an attested copy)	
8.	Financial turnover for the last 3 financial years (Attach separate sheet if space provided is insufficient)	
9.	Length of experience in the field of patent databases	
10.	In case the company is subsidiary, the involvement, if any, please provide the details of the Parent Company:	
11.	In case of bidding by partnership or consortium, please submit the partnership/consortium agreement with liability of all the parties involved as joint and several. Note: Under this point, the IPO intends to gain an insight into the relationship between the principal and its agent or between partners of a consortium etc.	
12.	Has the Applicant or any constituent partner in case of a partnership firm, ever been debarred/ black-listed anywhere at any point of time by any organisation? If yes, please provide complete details.	

13.	Has the Applicant or any constituent partner in case of partnership firm, ever been convicted under the laws of any country? If yes, please provide complete details.						
14.	Please provide your methodology / process that will be adopted in order to train the IPO users within one month from the date of award of contract. Please also include the details of the advanced training that is to be conducted once every 6 months in order to resolve the issues faced by the IPO users.						
15.	Details of similar projects undertaken and completed in last 10 years						
	S.No.	Name and location of the Project	Name and Address of the Client	Cost of Project	Nature of Work	Year of start and completion	Litigation! Arbitration , if any with

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Signature of the Applicant/Authorized representative

**TECHNICAL PROPOSAL
(PCT Minimum Documentation)**

Details of PL data listed in PCT Minimum Documentation, not being provided:

S.No.	Issuing Office or Organisation	ST.16 Code	Kind of Patent Document	Number Range	Publication Year(s)	Number of Documents	Type of Series

It is certified that the information furnished above is true and correct to the best of my knowledge. In case, it is found that the information submitted is wrong or there has been a misrepresentation of facts, I have no objection for my Proposal to be rejected, or if the Contract has been signed, the Contract to be terminated.

**Signature of the Applicant/Authorized
representative**

TECHNICAL PROPOSAL
(Additional coverage)

Details of PL data in addition to PCT Minimum Documentation being provided:

S.No.	Issuing Office or Organisation	ST.16 Code	Kind of Patent Document	Number Range	Publication Year(s)	Number of Documents	Type of Series

It is certified that the information furnished above is true and correct to the best of my knowledge. In case, it is found that the information submitted is wrong or there has been a misrepresentation of facts, I have no objection for my Proposal to be rejected, or if the Contract has been signed, the Contract to be terminated.

Signature of the Applicant/Authorized
representative

**TECHNICAL PROPOSAL
(Non-English Countries)**

Translation not available for following countries' non-English data:

S.No.	Issuing Office or Organisation	ST.16 Code	Kind of Patent Document	Number Range	Publication Year(s)	Number of Documents	Type of Series

It is certified that the information furnished above is true and correct to the best of my knowledge. In case, it is found that the information submitted is wrong or there has been a misrepresentation of facts, I have no objection for my Proposal to be rejected, or if the Contract has been signed, the Contract to be terminated.

**Signature of the Applicant/Authorized
representative**

TECHNICAL PROPOSAL
(Full-text coverage)

Full text not available for following countries

S.No.	Issuing Office or Organisation	ST.16 Code	Kind of Patent Document	Number Range	Publication Year(s)	Number of Documents	Type of Series

It is certified that the information furnished above is true and correct to the best of my knowledge. In case, it is found that the information submitted is wrong or there has been a misrepresentation of facts, I have no objection for my Proposal to be rejected, or if the Contract has been signed, the Contract to be terminated.

Signature of the Applicant/Authorized
representative

**TECHNICAL PROPOSAL
(MIS module, IPC, CPC, ECLA, FI/F-terms)**

Features of MIS Module

- 1) Facility to check the usage statistics of individual users. Please provide details in this regard.**

- 2) Facility to provide access and discontinue access to users. Please provide details in this regard.**

- 3) Please provide other details of the MIS facility.**

- 4) Please provide details regarding the usage of IPC, CPC, ECLA, FI/F-terms and other classification schemes for conducting search.**

It is certified that the information furnished above is true and correct to the best of my knowledge. In case, it is found that the information submitted is wrong or there has been a misrepresentation of facts, I have no objection for my Proposal to be rejected, or if the Contract has been signed, the Contract to be terminated.

Signature of the Applicant/Authorized representative

Brief CV of the professionals who will present the Proposal and will act as contact persons in case of grant of contract

It is certified that the information furnished above is true and correct to the best of my knowledge. In case, it is found that the information submitted is wrong or there has been a misrepresentation of facts, I have no objection for my Proposal to be rejected, or if the Contract has been signed, the Contract to be terminated.

Signature of the Applicant/Authorized representative